

**DRAFT**

MINUTES OF THE CITY COUNCIL  
OF THE  
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

5 SEPTEMBER 2000

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Yvonne J. Johnson, Earl F. Jones, Robert V. Perkins, Thomas M. Phillips, Donald R. Vaughan and Nancy Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Terry Wood, Chief Deputy City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Elizabeth Carter, employee in the Police Department, who served as courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting.

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Mayor Holliday recognized and welcomed Boy Scout Troop 216 whose members were present in the Chamber to complete the requirements for merit badges.

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Mayor Holliday presented Boards and Commissions Plaques to the following individuals in recognition of their excellent service: Thelma Feaster, Commission on the Status of Women, and James Key, Firemen's Relief Fund Board. He also stated that the following individuals were being recognized for their service but were unable to attend the meeting: David W. Morehead, ABC Board; Brad Bartel, Historic Preservation Commission; Edward Whitfield, Redevelopment Commission; Richard E. Moore, Transit Authority; Russell M. Robinson, III, Library Board; and G. Donald Dudley, Redevelopment Commission. The Mayor and members of Council expressed appreciation to these individuals for their long and dedicated service to Greensboro.

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Councilmember Burroughs-White expressed pride with regard to the creation of the Community Emergency Response Team from Northeast Greensboro; she commended the citizens' group for being proactive and bringing positive recognition to the community. Steve Marks, Emergency Management Division of the Executive Department, spoke to the training and qualifications of the members of this premier organization in Greensboro; he spoke to the Team's efforts to assist their neighborhood during the recent storm. Mr. Marks also recognized G. K. Pettigrew of the Fire Prevention Division of the Greensboro Fire Department, who was instrumental in training these citizens. The Mayor and Members of Council recognized and commended members of the team and City staff for their dedication and service to Greensboro.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution authorizing on basis of petition paving, curb, gutter and sanitary sewer improvements on Aloe Road from Nile Road to Sims Road. The Mayor asked if anyone wished to be heard.

Lorenzo Meachum, residing at 308 Aloe Road, stated that he believed the residents should not be assessed for these improvements because of the lack of attention the neighborhood had received since its annexation; he requested that the assessments be absorbed by the developers and the City. Mr. Meachum questioned whether the installation of multiple sewer lines in the area could be combined, asked whether payments for rights-of-way could be used to offset assessment charges and offered his thoughts regarding the lack of improvements/services available in this area.

Steve Kennedy, Director of Engineering and Inspections Department, detailed the process used by the City to make improvements, explained the purpose for the two lines in the area and reiterated that these improvements were being installed based on a petition received from residents in the neighborhood.

The Deputy City Attorney explained that the Greensboro Charter outlined the manner by which the City was required to assess citizens for improvements. He emphasized that at this time staff could not speculate about whether any payments for rights-of-way would be made for sewer projects in the area.

Some members of Council discussed their opinions with respect to the process used by the City to make improvements, the Charter requirements with regard to levying assessments, Mr. Meachum's concerns and request for relief from assessments, and the fact that a petition from the community had initiated these improvements.

After lengthy discussion Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

#### A-111 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

##### ALOE ROAD FROM NILE ROAD TO SIMS ROAD

WHEREAS, due notice has been given that on the 5th day of September, 2000 at 6:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the petition for the local improvements hereinafter described is hereby found to be sufficient in all respects.

B. That the local improvements to be made on the street or streets set out above are as follows:

- (a) Roadway Paving Improvements. The street or streets hereinabove named within the limits defined to be paved a maximum of 30 feet in width with stone base asphaltic concrete surface, the paving to include grading, construction of storm sewers, and necessary laterals, laying of concrete curbs and gutters, and all other work incidental to the paving.
- (b) Sanitary Sewer Improvements. A sanitary sewer main to be laid on the street or streets hereinabove named within the limits defined, and necessary laterals to be laid for the proper connection of abutting property with the sewer main.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution to be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Earl Jones

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Councilmember Johnson left the Chamber at 6:42 p.m.

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution confirming assessment roll for sanitary sewer improvements on Franklin Boulevard from Nash Street to approximately 242' south of Nash Street. Mayor Holliday asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson (in absentia as provided by law), Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

#### F-183 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

#### FRANKLIN BOULEVARD FROM NASH STREET TO APPROXIMATELY 242' SOUTH OF NASH STREET

WHEREAS, on the 6th day of August, 1996, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

Sanitary Sewer Improvements. That a sanitary sewer main of 8-inch size be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals (including water laterals where none exist and water main has been installed) be laid for the proper connection of abutting property.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

FRANKLIN BLVD.

Nash St. to Approx. 242' South of Nash Street

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.
2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.
3. That the general plan map is hereby confirmed at 6:00 p.m., on the 5th day of September, 2000, and is hereby made the final assessment roll for the improvements.

4. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.

5. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 30 days.

6. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in five equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.

7. That the first of the installments with interest thereon shall become due and payable on the first day of September next following the date that payments may be made without interest. One subsequent installment with interest thereon shall be due and payable on the first day of September of each successive year until the assessments have been paid in full.

(Signed) Earl Jones

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Councilmember Johnson re-entered the Chamber at 6:44 p.m.

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At the request of the City Manager, Councilmember D. Vaughan moved that Item 18, the first reading of the resolution approving Telecommunications Franchise Agreement between the City of Greensboro and PF.Net be deleted from the Consent Agenda. The motion was seconded by Councilmember Jones and adopted unanimously by voice vote of the Council.

Moving to the remaining items on the Consent Agenda, Mayor Holliday introduced the following ordinances as required by the Greensboro Code of Ordinances:

- Ordinance amending in the amount of \$77,397 the State and Federal Grant Project Fund Budget for the FY 00/01 Violent Crime Task Force position.
- Ordinance amending in the amount of \$121,580 the State and Federal Grant Project Fund Budget for FY 00-01 Fair Housing Assistance Program. (Attachment # 10 to Council members)
- Ordinance amending in the amount of \$393,370 the Housing Partnership Fund Budget to appropriating fund balance for Project Homestead and the impediments study. (Attachment #11 to Council members)
- Ordinance amending in the amount of \$2,000 the FY 00-01 HOME Program Grant Project Budget for the Hope VI Housing Development Project. (Attachment #12 to Council members)

After the Mayor requested a motion to approve all ordinances, resolutions and motion listed on the Consent Agenda, Councilmember Carmany moved adoption of the Consent Agenda, as amended. The motion was seconded by Councilmember D. Vaughan and adopted on the following roll call vote: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

00-166 ORDINANCE AMENDING THE STATE AND FEDERAL GRANT PROJECT FUND BUDGET FOR  
FY 00/01 VIOLENT CRIME TASK FORCE POSITION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the State and Federal Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3554-01.5931	Contributions to Non-Gov't Agency	\$43,897
220-3554-01.5520	Seminar/Training Expenses	\$4,000
220-3554-01.5429	Other Contracted Services	\$25,000
220-3554-01.5214	Office Equipment & Furniture	<u>\$4,500</u>
Total		\$77,397

And, that this increase be financed by increasing the following State and Federal Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3520-01.7110	State Grant	\$58,047
220-3520-01.7104	Federal Forfeiture	<u>\$19,350</u>
Total		\$77,397

(Signed) Sandy Carmany

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00-167 ORDINANCE AMENDING THE STATE AND FEDERAL GRANT PROJECT FUND BUDGET FOR  
FY 00-01 FAIR HOUSING ASSISTANCE PROGRAM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the State and Federal Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-0350-01.4110	Salaries & Wages (included benefits)	\$25,380
220-0350-01.4140	Roster Salaries	\$10,000
220-0350-01.5212	Computer Software	\$3,000
220-0350-01.5412	Legal Services	\$21,200
220-0350-01.5419	Other Services (Outreach/Education)	\$2,000
220-0350-01.5422	Desktop Services	\$5,000
220-0350-01.5520	Seminar/Training	\$48,000
220-0350-01.5949	Miscellaneous	\$2,000
220-0350-01.6053	Personal Computers	<u>\$5,000</u>
Total		\$121,580

And, that this increase be financed by increasing the following State and Federal Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-0350-01.7100	Federal Grant	\$121,580

(Signed) Sandy Carmany

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00-168 ORDINANCE AMENDING THE HOUSING PARTNERSHIP FUND BUDGET TO APPROPRIATING FUND BALANCE FOR PROJECT HOMESTEAD AND THE IMPEDIMENTS STUDY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 00-01 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Housing Partnership Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
211-2206-01.5283	Real Estate Grants	\$ 268,370
211-2205-05.5931	Contributions to Govt Agencies	\$ 110,000
211-2241-01.5413	Consultant Services	\$ 15,000
TOTAL:		\$ 393,370

and, that this increase be financed by increasing the following Housing Partnership Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
211-0000-00.8900	Appropriated Fund Balance	\$393,370

(Signed) Sandy Carmany

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00-169 ORDINANCE AMENDING THE FY 00-01 HOME PROGRAM GRANT PROJECT BUDGET FOR THE HOPE VI HOUSING DEVELOPMENT PROJECT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 00-01 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the HOME Program Grant Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
213-9000-04.5288	Hope VI Neighborhood Revitalization	\$2,000

and, that this increase be financed by increasing the following HOME Program Grant Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
213-9000-01.7100	Federal Grant	\$2,000

(Signed) Sandy Carmany

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165-00 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 1997-17 WITH CROWDER CONSTRUCTION COMPANY FOR THE TZ OSBORNE WW RECLAMATION FACILITY 30 MGD EXPANSION AND UPGRADE PHASE III, CONTRACT 3 IMPROVEMENTS

WHEREAS, the City has contracted with Crowder Construction Company to complete the TZ Osborne WW reclamation facility 30 MGD expansion and upgrade phase III, contract 3 improvements under a time and materials contract, Contract No. 1997-17;

WHEREAS, in order to secure the best possible bid for the completion of the project, the City elected to not put the contractor at risk for equipment which may have been damaged or deteriorated on the site, along with several additional repairs needed to be made by the contractor, rather than by in-house maintenance which the contractor did not include in their original bid, thereby necessitating a change order in the contract in the amount of \$21,086.66.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Crowder Construction Company for the T Z Osborne WW Reclamation Facility 30 MGD Expansion and Upgrade Phase III, Contract 3 Improvements is hereby authorized at a total cost of \$21,086.66, payment of said additional amount to be made from Account No. 509-7056-01.

(Signed) Sandy Carmany

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166-00 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 1998-05 WITH MICHAEL'S BACKHOE AND LANDSCAPING FOR THE FOREST OAKS WATER AND SEWER IMPROVEMENTS

WHEREAS, Contract No. 1998-05 with Michael's Backhoe and Landscaping provides for Forest Oaks Water and Sewer Improvements;

WHEREAS, additional patching and asphalt surface material for final pavement repairs and utility relocation requirements thereby necessitating a change order in the contract in the amount of \$43,904.96.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Jimmy R. Lynch & Sons, Inc. for the Liberty Road Water Improvements is hereby authorized at a total cost of \$43,904.96, payment of said additional amount to be made from Account No. 508-7061-01.6016.001.

(Signed) Sandy Carmany

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167-00 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-14 WITH JIMMY R. LYNCH & SONS FOR WATER AND SEWER IMPROVEMENTS

WHEREAS, Contract No. 2000-14 with Jimmy R. Lynch & Sons provides for water and sewer improvements;

WHEREAS, it is necessary for the City to install two sewer line extensions to Burnt Poplar Road and Citation Court prior to NCDOT making improvements thereby necessitating a change order in the contract in the amount of \$55,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Jimmy R. Lynch & Sons for water & sewer improvements is hereby authorized at a total cost of \$55,000.00, payment of said additional amount of \$55,000.00 to be paid from Account No. 503-7062-01.6017 CBR 002.

(Signed) Sandy Carmany

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168-00 RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY OF AT&T FAMILY CREDIT UNION FOR THE WEST FRIENDLY WATER LINE PROJECT

WHEREAS, in connection with the West Friendly Water Line project, the property owned by AT&T Family Credit Union, Tax Map No. 94-7029-A-960-23 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$21,847.00 and the owner has agreed to settle for the price of \$22,919.66, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the agreed price of the above mentioned portion of property in the amount of \$22,919.66 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 503-7061-01.6012 CBR 001.

(Signed) Sandy Carmany

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169-00 RESOLUTION AUTHORIZING CITY MANAGER TO ENTER INTO SETTLEMENT AGREEMENT AUTHORIZING THE PURCHASE WITH THE COUNTY OF THE PROPERTY FROM GEORGE W. HOUSE AND SARA HOUSE FOR A WATERSHED PROTECTION EASEMENT

WHEREAS, the City of Greensboro and Guilford County entered into an Agreement for the purpose of providing protection to existing and proposed public water supplies which states that the County will consult the City prior to any acquisition or construction in regard to protection of the City's Watershed;

WHEREAS, approximately 7.1 acres near Lake Brandt located in Tier II owned by George W. and Sara House is required for this Watershed and the County filed a condemnation action on April 23, 1999 to obtain said property;

WHEREAS, the County and Mr. and Mrs. House have reached a Settlement Agreement enabling the County to purchase 2.279 acres in fee simple and 4.844 acres in a watershed protection easement in the amount of \$182,000.00;

WHEREAS, the County Commissioners approved said Agreement at their August 29, 2000 meeting, and said Settlement Agreement is presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a Settlement Agreement with Guilford County and George W. and Sara House for the purchase of 7.1 acres located in Tier II near Lake Brandt in the amount of \$182,000.00 is hereby approved and the City Manager is hereby authorized to execute said Settlement Agreement on behalf of the City.

(Signed) Sandy Carmany



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Motion to approve the minutes of the regular meeting of 15 August 2000 was unanimously adopted.

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Mayor Holliday introduced a resolution authorizing City Attorney to institute proceedings to condemn portion of property of Max Dewey Ballinger and wife, Patricia Ann Ballinger, and Emily Ballinger in connection with the Bledsoe Lift Station and Force Main Project. He thereupon introduced so that these matters could be discussed together a resolution authorizing City Attorney to institute proceedings to condemn portion of property of Max D. Ballinger and wife, Patricia Ann Ballinger, in connection with the Bledsoe Lift Station and Force Main Project. The Mayor advised that these matters were tabled at the 15 August 00 meeting to the meeting on this date.

Jonathan Ballinger, residing at 6308 Ballinger Road, expressed his family's opposition to the proposed condemnations, detailed the history of his family's ownership of the property, stated in his opinion sewer lines were not needed to serve this property, and reiterated his belief that the alternatives he offered that involved the use of some City property would be more suitable for the location of the line; he used a map to illustrate the alternates being suggested. Mr. Ballinger provided details with respect to the alternatives he proposed and requested that prior to taking action, the Council consider continuing these items to allow additional time for his discussions with staff.

Mr. Kennedy spoke to the process used by City staff to determine the appropriate route for improvements; stated that after evaluating the alternatives offered by Mr. Ballinger, staff had determined these routes would be significantly more expensive than the route proposed by the City; and advised alternate routes might require the acquisition of rights-of-way from other citizens. Mr. Kennedy reiterated that the City's objective was to design public systems to ensure the most appropriate use of public funds; he advised that staff believed the route proposed by staff was the best and most cost effective.

Council discussed with the Deputy City Attorney and Messrs. Ballinger and Kennedy the history and disposition of legal cases involving property issues between the Ballinger family and the City; various concerns and opinions with respect to these condemnations were also discussed. After lengthy discussion, it appeared to be the consensus of Council that if the resolutions were adopted, the Manager would provide an update with regard to these matters at the next regular meeting.

After additional discussion regarding the type of easement designated in the resolution, Councilmember N. Vaughan moved that the resolution authorizing City Attorney to institute proceedings to condemn portion of the property of Max Dewey Ballinger and wife, Patricia Ann Ballinger (marital interest only) and Emily Ballinger, unmarried, in connection with the Bledsoe Liftstation and Force Main Project be amended to include where appropriate the wording "authorize temporary construction easement." The motion was seconded by Councilmember Jones and adopted unanimously by voice vote of Council.

Councilmember Phillips moved adoption of the resolution, as amended. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Burroughs-White, Carmany, Holliday, Perkins, Phillips, Vaughan and Vaughan. Noes: Johnson and Jones.

170-00 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF MAX DEWEY BALLINGER and wife, PATRICIA ANN BALLINGER (marital interest only), and EMILY BALLINGER, unmarried, IN CONNECTION WITH THE BLEDSOE LIFTSTATION AND FORCE MAIN PROJECT

WHEREAS, Max Dewey Ballinger and wife, Patricia Ann Ballinger (marital interest only) and Emily Ballinger, unmarried, are the owners of certain property located on Ballinger Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required as a temporary construction easement by the City in connection with the Bledsoe Liftstation and Force Main Project;

WHEREAS, negotiations with the owners at the appraised value of \$1,695.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property in the nature of a temporary construction easement and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$1,695.00;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property in the nature of a temporary construction easement, and the Director of Finance is hereby authorized to issue a draft in the amount of \$1,695.00 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 503-7062-01.6012 CBR 001.

(Signed) Thomas M. Phillips

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Councilmember Carmany moved adoption of the resolution authorizing the City Attorney to institute proceedings to condemn portion of the property of Max D. Ballinger and wife, Patricia Ann Ballinger, in connection with the Bledsoe Liftstation and force main project. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Burroughs-White, Carmany, Holliday, Perkins, Phillips, Vaughan and Vaughan. Noes: Johnson and Jones.

171-00 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF MAX D. BALLINGER and wife, PATRICIA ANN BALLINGER, IN CONNECTION WITH THE BLEDSOE LIFTSTATION AND FORCE MAIN PROJECT

WHEREAS, Max D. Ballinger and wife, Patricia Ann Ballinger are the owners of certain property located on Friendway Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Bledsoe Liftstation and Force Main Project;

WHEREAS, negotiations with the owners at the appraised value of \$8,000.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$8,000.00;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$8,000.00 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 503-7062-01.6012.

(Signed) Sandy Carmany

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After Mayor Holliday introduced a resolution authorizing in the amount of \$98,500 change order for Contract No. 99-000524 with Johnson Controls, Inc. for Greensboro Historical Museum HVAC (DDC) Controls Integration onto existing Controls FE Project No. 9811 improvements, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

172-00 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 99-000524 WITH JOHNSON CONTROLS, INC. FOR GREENSBORO HISTORICAL MUSEUM HVAC (DDC) CONTROLS INTEGRATION ONTO EXISTING CONTROLS FE PROJECT NO. 9811 IMPROVEMENTS

WHEREAS, Contract No. 99-000524 with Johnson Controls, Inc. provides for HVAC renovations at the Historical Museum;

WHEREAS, it is necessary to install the Direct Digital Controls (DDC) for the remaining HVAC modifications in the older section of the Historical Museum thereby necessitating a change order in the contract in the amount of \$98,500.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Johnson Controls, Inc. for HVAC renovation improvements is hereby authorized at a total cost of \$98,500.00, payment of said additional amount of \$98,500.00 to be paid from Account No. 410-5501-02.6013 CBR(002).

(Signed) Yvonne J. Johnson

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After the Mayor introduced a resolution approving the amended Greensboro Downtown Secondary Fire District boundaries in accordance with the new TN zoning district boundary, Councilmember D. Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

173-00 RESOLUTION APPROVING THE AMENDED GREENSBORO DOWNTOWN SECONDARY FIRE DISTRICT BOUNDARIES IN ACCORDANCE WITH THE NEW TN ZONING DISTRICT BOUNDARY

WHEREAS, fire districts were established in downtown areas many years ago for the purpose of reducing the combustibility of closely spaced buildings as well as eliminate conflagrations of downtown blocks;

WHEREAS, the City of Greensboro has two fire districts, the primary, having the tightest restrictions located in the core of downtown, and the secondary, extending out of the rest of the downtown area which restricts to a lesser extent, building materials and combustible materials;

WHEREAS, the Southside Development Plan was adopted in 1995 by the City Council with the prime objective to reestablish this downtown area with a mixture of new and restored homes and neighborhood commercial uses and was assigned the new zoning designation of Traditional Neighborhoods District;

WHEREAS, while construction in the Southside Traditional Neighborhood does not violate the North Carolina State Building Code there are certain areas in question.

WHEREAS, if a Fire District were established today, it would not allow new hazardous occupancies in either the primary or secondary districts and there is currently a building in the Southside area which would not meet today's restrictions;

WHEREAS, HCD, Planning, Building Inspections and the Fire Department staff have met with regard to the altering of the secondary Fire District boundary in order to further enhance the objective of the Southside area redevelopment and are in agreement that the public safety objectives are not being compromised by amending the boundary in accordance with the attached map.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the proposed new secondary fire district boundaries in accordance with the new Traditional Neighborhood zoning district boundary as shown on the attached map are hereby adopted and approved.

(Signed) Donald R. Vaughan

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Speaking to Council's desire to move forward with comprehensive long range planning, Mayor Holliday announced that he had appointed Cameron Cooke to serve as Chairperson of the Community Steering Committee for the Greensboro Comprehensive Plan process. At the Mayor's request, Council announced the following appointments to the committee: Councilmember Perkins appointed Dick Routh and Bill Stephens, Councilmember Carmany appointed Jack Almon and Gail Stroud, Councilmember D. Vaughan appointed Art Winstead, Jr. and Gunner Froman; Councilmember Johnson appointed Goldie Wells, Councilmember Burroughs-White appointed Paul Gilmer, Councilmember N. Vaughan appointed Ron Mack and Joe Quinn, and Councilmember Phillips appointed Ron Wilson and Susan Howard Schwartz. The Mayor and some members of Council advised that their appointments would be forthcoming at the September 19 meeting of Council.

Speaking briefly to this issue, the Manager advised that the kickoff session on the Comprehensive Plan was scheduled for Thursday, September 28 at 6:00 p.m. in the City Council Chambers.

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Councilmember Burroughs-White moved that Varo Duffins be appointed to fill unexpired portion of term of Michael Dolianitis; this term will expire 15 August 02. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

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After Councilmember Perkins spoke to a recent newspaper article with regard to the War Memorial Stadium, he requested that Council direct the City Manager to evaluate all alternatives for baseball in Greensboro-possible sites, financial alternates, etc. Some members of Council requested that the evaluation include all options available, the current/proposed economic impact to the community, and a review of the rationale for the defeat by citizens of bonds which would have provided funds for the renovation of the Stadium. After brief discussion, the Manager advised he anticipated that the report would be presented to Council in early December.

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Councilmember Carmany added the following names to the boards and commissions data bank for consideration for service in the specified areas: Charlotte Dumencich, War Memorial Commission; Carlos Solis, Human Relations; and Mandy Lotz, Commission on the Status of Women.

After Councilmember Carmany requested that Council receive copies of information explaining the bond referendum be provided for distribution to citizens, the Manager explained that a brochure would soon be available and information would be available on the City's web page.

Councilmember Carmany advised that visitors from Moldova would visit Greensboro during the next week as a result of her trip abroad. She provided information about the visit, invited Council to meet with the visitors and expressed appreciation to Tom Stapleton, Director of Business and Economic Development, for his assistance in preparing an itinerary for these visitors.

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Councilmember D. Vaughan added the following names to the boards and commissions data bank for consideration for service in the specified areas: Beth McKee-Huger, Minimum Housing Standards Commission and Michael James, Transit Authority.

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Councilmember Jones added the name of Raymond King to the boards and commissions data bank for consideration for service on the Community Resource Board.

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Councilmember Johnson added the following names to the boards and commissions data bank for consideration for service in no specific area: Charles Timber, Dornishia Whitfield and Bernice Cunningham.

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Councilmember Burroughs-White moved that Zanzella F. Savoy be appointed to fill unexpired portion of term of Dolly Graves on the Commission on the Status of Women; this term will expire 15 August 01. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Councilmember Burroughs-White added the name of Jeffrey Roberts to the boards and commissions data bank for consideration for service on the Minimum Housing Standards Commission; she also added the name of Naomi Richmond to the data bank for service in no specific area.

Councilmembers Burroughs-White and Johnson expressed condolences to the family of Dr. Charles Fountain and requested that a resolution in his honor be placed on the September 19 agenda for Council action.

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The Mayor, members of Council and the City Manager expressed appreciation to City staff for their clean-up efforts after the recent storm.

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Noting that formal action could be taken at a later meeting, Mayor Holliday requested Council input with respect to changing the date and/or time of November 7 regular Council meeting because it conflicted with the election scheduled for that date.

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After Mayor Holliday reported about the recent State of the Community meeting at the Chamber of Commerce, Councilmember Jones expressed his opinion that this group should be more diverse.

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The City Manager announced that he had appointed Jim Westmoreland as the Director of the Greensboro Department of Transportation.

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Councilmember Phillips moved that the City Council adjourn. The motion was seconded by Councilmember Jones and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 8:00 P.M.

KEITH A. HOLLIDAY  
MAYOR

JUANITA F. COOPER  
CITY CLERK

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